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EILEEN SWAN
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MEMORANDUM

TO: Ben Spinelli, Executive Director, Office of Smart Growth

FROM: Eileen Swan, Executive Director, New Jersey Highlands Council

RE: Holland Township Petition for Plan Endorsement

DATE: January 15, 2008

The Highlands Council welcomes the opportunity to partner with the Office of Smart Growth and Holland Township regarding their Initial Plan Endorsement Petition. The following summarizes the request for comments regarding the draft Memorandum of Understanding and Action Plan sent by your office on January 9th. I look forward to working with you and your staff on next steps and please let me know if you have questions regarding this information.

A. Plan Endorsement Memorandum of Understanding (MOU) for Holland Township

Consistent with the recently executed MOU among the Highlands Council, OSG, and the State Planning Commission, it is requested that Holland Township's MOU be amended to provide specific information concerning Highlands municipalities/counties.

Suggested Addition for Insertion After #7 (p.4):

(Clauses #8 and #9 apply to municipalities and counties located within the New Jersey Highlands Region which, pursuant to the Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1 et seq.), includes the Preservation Area and the Planning Area.)

8. Petitioning entity acknowledges that Plan Conformance is required for lands in the Preservation Area and is voluntary for lands in the Planning Area. However, OSG and the State Planning Commission shall consult with and consider any recommendation from the Highlands Council before approving, rejecting, or approving with conditions a petition for Plan Endorsement.

Highlands Regional Master Plan ("RMP").

9. Petitioning entity acknowledges that its petition for Plan Endorsement must include a specific policy statement indicating the relationship of the proposed development to the Regional Master Plan and the coordination with the Highlands Council.
10. Petitioning entity acknowledges that should the petitioner seek to reestablish or modify center designation or designate additional centers through Plan Endorsement, the State Planning Commission and OSG shall consult with and consider any recommendation from the Highlands Council before approving, rejecting, or approving with conditions a petition for Plan Endorsement.

B. Action Plan

We request that the Action Plan be amended as follows:

- A1. The Municipal Assessment should recognize the Highlands Region Preservation and Planning Areas and Highlands Resources as identified in the Highlands RMP. This assessment will use data from the Highlands RMP consistent with the Office of Smart Growth guidelines approved October 17, 2007. "The review will compare the Municipal Self-Assessment Report with the most up-to-date regional and statewide data to determine whether trend growth is sustainable based on the resources and infrastructure available in the municipality, region and state"
- A2. The opportunity and constraints analysis, where appropriate, shall recognize, Highlands resources in accordance with the RMP consistent with the and the Highlands/OSG/SPC MOU and the Office of Smart Growth guidelines approved October 17, 2007 which require "consistency of the local vision, plans and implementation measures in relation to:
Regional plans (e.g. Pinelands, Highlands, Meadowlands, MPO, watershed management or corridor plans, etc.)
- A3. The Highlands Council shall be invited to be in attendance at Center Education sessions as a resource
- A4. State agencies including the Highlands Council shall provide recommendations regarding the draft center(s).
- A5. The following amendment is suggested: "The Township shall ensure that the Center(s), **or environs (where appropriate)**, are sufficient to accommodate prior-round affordable housing obligations and growth share.
- A6. The role of the Center to service agricultural retention, open space preservation and conservation of historic sites should also recognize the Highlands RMP.
- B1. The Township shall work with state agencies, including the Highlands Council, in support of Center designation and to ensure consistency with the State Plan and the Highlands RMP as

outlined in the Office of Smart Growth's Plan Endorsement Guidelines and the Highlands/OSG/SPC MOU.

C1. We suggest addition of language here so that the Township is aware that all wastewater plan amendments are required by NJDEP rules at N.J.A.C. 7:38-1.1 to receive a recommendation or, upon RMP adoption, a statement of consistency from the Highlands Council in both Preservation and Planning areas before the NJDEP makes a determination. Thus, in order to avoid future conflicts, the Township should work to achieve consistency with the Highlands RMP for any amendment.

E1. The elements to be updated based on the fulfillment of this action plan may also include: The Highlands Act, NJDEP Highlands Preservation Area Rules at N.J.A.C. 7:38, and the Highlands RMP.

E3. The Statement of Planning Coordination section shall also address Regional Planning consistent with the and the Highlands/OSG/SPC MOU and the Office of Smart Growth's guidance which requires That "The section shall discuss how the municipality's plans and related activities are coordinated with the plans of neighboring municipalities, the county, regional planning agencies, and the State. This section shall briefly describe how the municipality's planning fits in the regional context, to be discussed in greater detail in the relevant sections.

F1. The Township and the OSG will complete a Plan Implementation Agreement for the Planning Area recognizing the exclusive role of the Highlands Council in the Preservation Area.

The Action Plan should be updated to include action items in support of Water Supply and Wellhead Protection as were suggested in the October 4, 2007 Plan Endorsement Consistency Review. from OSG to Holland Township.

Consistency is also considered against state agency plans and programs that further smart growth principles. The petitioner must therefore demonstrate consistency in a comprehensive fashion to fully

enjoy the benefits of endorsement including the ability to obtain permits and approvals from the State

and regional agencies to implement the endorsed plan.

We also suggest that, consistent with the Office of Smart Growth guidelines for Plan Endorsement that the Action Plan require that the conservation plan should explain how it relates to the conservation activities of adjacent towns and regional entities to better coordinate resource protection and land acquisition efforts.

Finally, we feel the applicant should be aware that the timelines in the Action Plan may need to be adjusted to ensure that any new center is consistent with the State Plan and Regional plans.